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8

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**  
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.  
15

16 LISA ANN DULAY,

17 Defendant.  
18

Case No. 2:20-mj-00697-BNW

**STIPULATION TO CLOSE  
CASE**

19 IT IS HEREBY STIPULATED AND AGREED, by and between  
20 Christopher Chiou, Acting United States Attorney, and Rachel Kent, Special  
21 Assistant United States Attorney, counsel for the United States of America, and  
22 Rene L. Valladares, Federal Public Defender, and Joanne L. Diamond, Assistant  
23 Federal Public Defender, counsel for Lisa Ann Dulay, that the case be closed.

24 This Stipulation is entered into for the following reasons:

25 1. On August 12, 2020, Ms. Dulay was charged in a two-count  
26 Complaint with (1) Operating a Motor Vehicle while Under the Influence of

1 Alcohol, and (2) Operating a Motor Vehicle with a BAC of 0.08 Grams and  
2 Higher. ECF No. 1.

3 2. On October 21, 2020, Ms. Dulay entered into a Petty Offense Plea  
4 Agreement with the government in which she agreed to plead guilty to Count  
5 One of the Complaint, Operating a Motor Vehicle while Under the Influence of  
6 Alcohol. ECF No. 6 at 1. The government agreed to dismiss Count Two,  
7 Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher. *Id.*

8 3. The parties jointly agreed to recommend Ms. Dulay be sentenced to  
9 unsupervised probation for one year, with the following special conditions: (i) pay  
10 a \$500 fine and a mandatory \$10 penalty assessment; (2) attend and complete  
11 the Lower Court Counseling's DUI course and Victim Impact Panel; (3) complete  
12 an 8 hour online alcohol awareness course; (4) not return to Lake Mead for 6  
13 months; (5) not violate any local, state, or federal laws for 6 months. ECF No. 6 at  
14 2.

15 4. The parties further agreed that, if, after 6 months of unsupervised  
16 probation, Ms. Dulay successfully completed special conditions (i), (ii), and (iii), ,  
17 and had not entered Lake Mead or violated any laws, they would move to  
18 withdraw her guilty plea to Count One and the government would move to  
19 amend Count One to Reckless Driving, allow Ms. Dulay to plead guilty to  
20 Reckless Driving, and apply the original sentence to the Reckless Driving  
21 conviction. ECF No. 6 at 3.

22 5. On October 21, 2020, this Court sentenced Ms. Dulay pursuant to  
23 the plea agreement. ECF No. 10.

24 6. This Court ordered the parties to file a Proposed Stipulation by  
25 April 21, 2021, indicating that Ms. Dulay has completed all outstanding  
26 sentencing obligations. *Id.*

1           7.       On April 21, 2021, the parties filed a Joint Status Report informing,  
2 ECF No. 14, the Court that Ms. Dulay had successfully completed conditions (i),  
3 (ii), and (iii). Ms. Dulay had not entered Lake Mead. Ms. Dulay had, however,  
4 been convicted of violating a state law. Specifically, on March 29, 2021, Ms.  
5 Dulay appeared in Las Vegas Justice Court and pled guilty to Petit Larceny.  
6 Because Ms. Dulay was convicted of violating a state law, pursuant to the plea  
7 agreement, her conviction for Operating a Motor Vehicle while Under the  
8 Influence of Alcohol remained in effect. *See* ECF No. 6 at 3.

9           8.       Ms. Dulay has continued to stay away from Lake Mead and has  
10 obtained no new law violations.

11           9.       Based on her completion of 12 months' unsupervised probation, the  
12 parties jointly request the case be closed.

13           DATED: October 20, 2021.

14  
15       RENE L. VALLADARES  
16       Federal Public Defender

CHRISTOPHER CHIOU  
Acting United States Attorney

17       By /s/ Joanne L. Diamond

By /s/ Rachel Kent

18       JOANNE L. DIAMOND  
19       Assistant Federal Public Defender

RACHEL KENT  
Special Assistant United States  
Attorney

20  
21                       **Order**  
22                       **IT IS SO ORDERED**

23                       **DATED:** 8:46 am, October 21, 2021

24                         
25                       **BRENDA WEKSLER**  
26                       **UNITED STATES MAGISTRATE JUDGE**